

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/634,647

Filing Date: August 5, 2003

Title: HIGH-PERFORMANCE SERVER ARCHITECTURE, METHODS, AND SOFTWARE FOR SPATIAL DATA

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REMARKS

As a result of this amendment, claims 52-60, 62, 63, 65-67, 69 and 70 are now pending in this application.

In the Office Action of March 15, 2005, the Examiner indicated that claims 52-58, 61-63, 65 and 68 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For sake of economy, applicant has elected to amend the application in accord with this indication of allowable subject matter.

Specifically, this amendment cancels claims 51, 61, 64, and 68, and respectively incorporates the subject matter of these claims into claims 52, 60, 65, and 66. Claims 53 and 59 are amended to depend from claim 52, rather than canceled claim 51. And, claim 70 is amended, pursuant to a Section 112 rejection, to depend from claim 69. As a result, applicant submits that the pending claims are in obvious condition for allowance and requests respectfully that the Examiner withdraw any remaining rejections.

Unacknowledged Information Disclosure Statement

Additionally, applicant notes that it submitted an Information Disclosure Statement and a 1449 Form on January 5, 2005. However, the current Action does not acknowledge this document. Thus, applicant request respectfully that the next communication acknowledge this IDS and include initialed copies of the 1449 Form to indicate consideration of the cited references.

Reservation of Rights and Non-Surrender of Equivalent Subject Matter

Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut the asserted factual or legal basis of any of the rejections or the right to swear behind cited references. Applicant makes no admissions regarding the prior art status of any of the references of records, and regards them merely as being "of record" in the application. Additionally, applicant does not intend its cancellation of any claims in this application to evidence surrender of any subject matter that would otherwise be equivalent to that of the allowable subject matter.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DOUGLAS VAN WATERMULEN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9593

Date

15 Sept. 2005

By

Eduardo E. Drake
Reg. No. 40,594

I hereby certify that this correspondence is being transmitted by facsimile (FAX NO. 571-273-8300) to: MAIL STOP AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 15, 2005.

Name

CANDIS BUENDING

Signature

Candis Buending